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Michelle Lynn Hatcher

8505563280

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July 08, 2007

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**Application Number: 10/749,362****Filing Date: December 31, 2003****Name of Invention: Designer tracheostomy tube attachment**

This correspondence is intended to reply to the office action summary received. This is in reply to the missing claims. Claim number 5 is not missing, I was told by my patent examiner to remove this claim earlier on in this confusing process.

I was told that claim 5, along with the other claim numbers which were removed as you can see in earlier correspondence, were related to species 2. What you all referred to as species 2 was the adjustable part of my invention. I was told that I had to choose one or the other, which I felt that was not right. I am beginning to question that now. Sometimes I feel you need to talk to the inventors to understand the inventions, just as we have to call the 800 numbers for products we buy instead of just throwing them in the trash after we have invested so much into them just because we don't understand them or we "think" we do.

It seems that there are instructions given to me and when I comply with those instructions, I get notice once again, that there was a problem with those instructions. I would like to get my patent approved. It has been 4 years now. I am available to be spoken with because obviously the paper is not doing my patent any justice. I am being told to remove things, then years later told that very same thing is missing. Let's get this fixed and approved.

I am requesting that a combination of the attachment and the tracheostomy tube be made. The invention is strictly to be utilized in combination with the tracheostomy tube. The invention cannot be used without the tracheostomy tube therefore I request it be in combination with the tracheostomy tube.



Michelle Lynn Hatcher

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*Claims*

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What is claimed is:

Claim# 1 (Currently Amended) A designer tracheostomy tube and other neck wearing device attachment ~~used to provide for the purpose of providing~~ provides a decorative and colorful way to secure attach a tracheostomy tube or other neck wearing device comprising: means for securing the attachment to the tracheostomy tube or other neck wearing device; means for stringing decorative ornaments; ~~means for connecting the securing device to the attachment~~; means for the adjustable model to adjust to users desired fit; means for holding attachment together at the ends and means for connecting the closed ended fastener clasp. ~~means for adjusting fabric attachment to users desired fit; and means for fabricating the body of the fabric attachment with any suitable fabric.~~

Claim# 2 (Currently Amended) The designer tracheostomy tube and other neck wearing device attachment in accordance with claim 1, wherein said means for securing the attachment to the tracheostomy tube or other neck wearing device comprises a closed-ended fastener clasp.

Claim# 3 (Currently Amended) The designer tracheostomy tube and other neck wearing device attachment in accordance with claim 1, wherein said means for stringing decorative ornaments comprises a stringing line.

Claim# 4 (Canceled) The designer tracheostomy tube and other neck wearing device attachment in accordance with claim 1, wherein said means for connecting the securing device to the attachment comprises a split ring.

Claim# 6 (Currently Amended) The designer tracheostomy tube and other neck wearing device attachment in accordance with claim 1, wherein said means for holding attachment together at the ends comprises a crimp bead.

Claim# 7 (Canceled) The designer tracheostomy tube and other neck wearing device attachment in accordance with claim 1, wherein said means for connecting the closed-ended fastener comprises a jump ring.

Claim#10 (Currently Amended) 10. A designer tracheostomy tube and other neck wearing device attachment ~~used to provide for the purpose of providing a decorative and colorful way to secure attach a tracheostomy tube comprising: a closed-ended fastener, that secures for securing the attachment to the tracheostomy tube or other neck wearing device; a stringing line, that strings for stringing decorative ornaments; a split ring, for connecting the securing device to the attachment; a designer clamp, for the adjustable model to adjust to users desired fit; a crimp bead, that holds the for holding attachment together at the ends. a jump ring, for connecting the closed ended fastener; an adjusting device, for adjusting fabric attachment to users desired fit; and a fabric, for fabricating the body of the fabric attachment with any suitable fabric.~~

Claim# 11 (Currently Amended) 11. The designer tracheostomy tube and other neck wearing device attachment ~~provides as recited in claim 10, further comprises comprising: a beads, for providing decorative ornaments the ornamental body of the attachment attaching even though the body of the attachment may be fabricated of beads, decorative metal or any other suitable material, connected to said closed-ended fastener.~~

Claim# 14 (Currently Amended) 14. A designer tracheostomy tube [and other neck wearing device] attachment ~~that provides for the purpose of providing provides a decorative and colorful way to secure attach a tracheostomy tube or other neck wearing device comprising: a closed-ended fastener, that secures for securing the attachment to the tracheostomy tube or other neck wearing device; a stringing line, that strings the for stringing decorative ornaments; a split ring, for connecting the securing device to the attachment; a beads, that provide for providing decorative ornaments the ornamental body of the attachment even though the body of the attachment may be fabricated of beads, decorative metal or any other suitable material, connected to said closed-ended fastener; a designer clamp, for the adjustable model to adjust to users desired fit; a crimp bead or other suitable means, that holds the for holding attachment together at the ends. a jump ring, for connecting the closed ended fastener; an eyelet, for connecting fabric to jump ring if desired or fabric can be sewn to jump ring so that the eyelet can be eliminated; an adjusting device, for adjusting fabric attachment to users desired fit; and a fabric, for fabricating the body of the fabric attachment with any suitable fabric.~~

Remarks:

I disagree with my invention being compared with another. My invention is unlike no other. There were searches done and there were no inventions like mine. Through the years of one word not being in the right place no other invention has been like mine until now. US 6,789,542 B1 is no comparison to mine. This invention covers the tracheostomy tube and hides it. My invention does not cover the tracheostomy and does not contain a screen. They both may be ornamental but they are in no comparison with each other. Having been in the medical field for over 13 years, it is not safe to actually cover the tracheostomy tube. There is also improvement to existing patents. There are other known patents that serve the purpose of holding tracheostomys in place and they have been

granted. Unlike the invention in comparison, my invention can be used with any tracheostomy tube, not just one where the screen will fit over it. I certainly hope that you will see there is no comparison between the two inventions. They may have some of the same components but many other patents have the same.



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10/749,362	12/31/2003	Michelle Lynn Hatcher		1891

7590 06/12/2007  
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EXAMINER

RODRIGUEZ, RUTH C

ART UNIT PAPER NUMBER

3677

MAIL DATE DELIVERY MODE

06/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# **Notice of Non-Compliant Amendment (37 CFR 1.121)**

Application No.

10/749362

Applicant(s)

Examiner

Art Unit

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 5/29/07 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

## THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: MISSING CLAIM 5.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

## TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

- Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
- Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Crystal Queen

Legal Instruments Examiner (LIE), if applicable

571-272-1041

Telephone No.

Part of Paper No. 998

U.S. Patent and Trademark Office  
PTOL-324 (01-06)

Notice of Non-Compliant Amendment (37 CFR 1.121)

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